

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW MEXICO**

**KARRI DALTON as the Personal Representative of the
Estate of NIKKI BASCOM, deceased, and Next Friend to
M.B., a minor child, and A.C., a minor child,**

Plaintiff,

v.

Case No. 17-cv-1143

**TOWN OF SILVER CITY, ex rel.
SILVER CITY POLICE DEPARTMENT,
GRANT COUNTY, ex rel.
GRANT COUNTY SHERIFF'S DEPARTMENT,
SILVER CITY POLICE CHIEF ED REYNOLDS,
CAPTAIN RICKY VILLALOBOS,
THE ESTATE OF MARCELLO CONTRERAS,
DEPUTY JACOB VILLEGRAS, DEPUTY FRANK GOMEZ,
and DEPUTY ADAM ARELLANO,**

Defendants.

DEFENDANTS' NOTICE OF REMOVAL

Defendants Board of County Commissioners of Grant County, including its subdivision, the Grant County Sheriff's Department, Deputy Jacob Villegas, Deputy Frank Gomez, and Deputy Adam Arellano (hereafter "County Defendants") by and through their counsel, Law Office of Jonlyn M. Martinez, LLC (Jonlyn M. Martinez, Esq.)¹ and Town of Silver City, including its subdivision, the Silver City Police Department and Silver City Police Chief Ed Reynolds and Captain Ricky Villalobos (hereafter "City Defendants"), by and through their counsel, Miller Stratvert, P.A. (Cody R. Rogers, Esq.)², respectfully file its Notice of Removal in the above entitled action, and as grounds therefore state:

¹ Counsel for the County Defendants hereby accepts service of process on behalf of Defendants Villegas, Gomez and Arellano on November 15, 2017.

² Counsel for the City Defendants hereby accepts service of process on behalf of Defendants Reynolds and Villalobos on November 15, 2017.

1. Upon information and belief, Defendant Estate of Marcello Contreras has not been served in this matter.

2. The Plaintiff's Amended Complaint indicates that the basis for the Plaintiff's Amended Complaint are alleged Constitutional violations against new parties. *See Plaintiff's Amended Complaint at Counts III, IV, V, VI, VII, VIII, and IX*, attached hereto as Exhibit A.

3. Among other things, the Plaintiff's Complaint alleges that the Defendants' purported actions violated the Plaintiff's rights or the Constitution of the United States and federal law. *Id.*

4. Consequently, the Plaintiff's Complaint sets forth a claim or right arising under the Constitution and laws of the United States and/or a separate and independent claim or cause of action within the jurisdiction conferred on this Court by 28 U.S.C. § 1331. Therefore, this Court has original jurisdiction over this action pursuant to the jurisdiction conferred on this Court by 28 U.S.C. § 1331 and the action may, therefore, be removed to this Court pursuant to 28 U.S.C. §§ 1441(a), (b) and/or (c).

5. No action has been taken by the newly named Defendants in the State Court Action. Moreover, no action has been taken by any of the other Defendants following the filing of the Plaintiff's Amended Complaint.

6. A true and correct copy of the Plaintiff's Amended Complaint is attached hereto as Exhibit "A." Pursuant to 28 U.S.C. § 1446 and D.N.M.LR-Civ. 81.1(a), a legible copy of all

other pleadings, process, orders, records and proceedings from the State Court Action will be provided to this Court through a notice of attachment.¹

WHEREFORE, the County and City Defendants respectfully file this Notice of Removal to remove the above entitled action from the Sixth Judicial District for the State of New Mexico to this Court.

Respectfully submitted:

LAW OFFICES OF JONLYN M. MARTINEZ, LLC

/s/ *Jonlyn M. Martinez*

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MILLER STRATVERT, P.A.

Approved via electronic mail

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I hereby certify that a copy of the foregoing was sent electronically via CM/ECF on November 15, 2017 to all counsel of record:

/s/

¹ It is unclear whether all pleadings filed in State District Court as of today's date are available due to the lag time from the date of filing to the date these documents are available on the electronic docket.